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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,073	11/10/2005	Wing Kin Chan	007198-621	5840

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EXAMINER

PELHAM, JOSEPH MOORE

ART UNIT	PAPER NUMBER
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3742

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/525,073

Applicant(s)

CHAN, WING KIN

Examiner

Joseph M. Pelham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/18/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

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Claim Rejections - 35 USC § 112

Claims 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6, at line 5, recites "the circulating path," which lacks antecedent basis.

Claim Rejections - 35 USC § 102

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat. 6644178.

Referring to Figs. 1 & 2 and col. 4, line 53, through col. 5, line 17, US'178 discloses a curing oven (smoker) with "circulation" means 45, 46, a fan 68 to remove the smoke from the oven and a filter 72 to absorb the smoke.

Claim Rejections - 35 USC § 103

Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'178 in view of US Pat. 4669447.

The claims differ from US'178 only in calling for recirculation means. However, US'447, at Figs. 2 and 3, disclose for recirculation means I a smoker. It would have been obvious to utilize the recirculation means of US'447 in the oven since US'447 shows such to be a conventional alternative to the rotating rack device of US'178, and a cooking temperature can be uniformly maintained with the convection cooking means 30, 32 of US'447.

Claims 1, 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat. 5599471 in view of HU 35484.

US'471 discloses a smoking oven comprising fans 17 and an air channel in communication with the fans. While US'471 certainly contemplates recirculation, it is silent about the specific control of this aspect, and hence does not explicitly disclose selective control of either recirculation or removal of the smoking atmosphere. HU'484 discloses a smoking oven utilizing a valve for choosing between recirculating a smoking atmosphere and exhausting it. It would have been obvious to adapt the circulating means of HU'484 to the oven of US'471 since HU'484 implies such to both maintain a sufficiently smoke filled interior during smoking, and allow convenient removal of smoked items without excessive smoke emissions.

Claims 2, 3 and 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US'471 in view of HU'484, as applied to claims 1, 4, and 5 above, and further in view of US Pat. 4902316 or US'178.

The claims differ substantively from US'471 in view of HU'484 only in calling for a filter for absorbing exhausted smoke. However, either US'316 (Fig. 2, col. 3, lines 28-48) or US'178 discloses filter for absorbing smoke exhausted from an oven. It would have been obvious to adapt the filter of wither US'178 or US'316 to the oven of US'471 in view of HU'484 to avoid excessive and unpleasant emissions.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph M. Pelham whose telephone number is 571-272-4786. The examiner can normally be reached on M-F 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

9/23/06

A handwritten signature in black ink, appearing to read "J. Pelham", is written over the date.